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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 DACQURI ANN HANKS-SHAW,)
17 Defendant.)
18)
19)
20)

No. CR 11-71124 MAG

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
NOVEMBER 14, 2011 TO NOVEMBER
30, 2011 UNDER RULE 5.1 AND FROM
CALCULATIONS UNDER THE SPEEDY
TRIAL ACT

21 The defendant, Dacquri Ann Hanks-Shaw, represented by Steven Kalar, Assistant Federal
22 Public Defender, and the government, represented by Cynthia Frey, Assistant United States
23 Attorney, appeared before the Honorable Joseph C. Spero on November 14, 2011, for a
24 preliminary hearing and status conference. The parties asked that the matter be continued to
25 November 30, 2011 for a preliminary hearing or indictment. The defendant agreed to exclude
26 time under the Federal Rule of Criminal Procedure 5.1 to hold a preliminary hearing, and under
27 18 U.S.C. § 3161, the Speedy Trial Act. The Court ordered the matter be continued to November
28 30, 2011 for a preliminary hearing or indictment.

STIPULATION AND ~~PROPOSED~~ ORDER
CR 11-71124 MAG

1 The defendant agreed that good cause exists for excluding time under Rule 5.1 for a
2 preliminary hearing between November 14, 2011 and November 30, 2011. The defendant also
3 agreed that an exclusion of time is appropriate under the Speedy Trial Act between November
4 14, 2011 and November 30, 2011 for purposes of continuity of counsel and effective preparation
5 of counsel, in order to provide defense counsel with adequate time to review the discovery,
6 conduct an investigation, and consult with the defendant. In addition, the defendant agrees to
7 exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties
8 represent that granting the continuance, in order to provide defense counsel with adequate time to
9 review the discovery, conduct additional investigation, and consult with the defendant, is
10 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
11 § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a
12 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
13 U.S.C. § 3161(h)(7)(A).

14
15 SO STIPULATED:

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17 MELINDA HAAG
18 United States Attorney

19
20 DATED: November 18, 2011

21 /S/
22 CYNTHIA M. FREY
23 Assistant United States Attorney

24
25 DATED: November 18, 2011

26 /S/
27 STEVEN KALAR
28 Attorney for DACQURI ANN HANKS-SHAW

1 Based upon the representation of counsel and for good cause shown, the Court also finds
2 that good cause exists, taking into account the public interest in the prompt disposition of
3 criminal cases, for excluding time under Rule 5.1 for a preliminary hearing between November
4 14, 2011 and November 30, 2011. The Court finds that failing to exclude the time between
5 November 14, 2011 and November 30, 2011 would unreasonably deny the defendant and counsel
6 the reasonable time necessary for effective preparation, taking into account the exercise of due
7 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served
8 by excluding the time between November 14, 2011 and November 30, 2011 from computation
9 under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy
10 trial.

11 Therefore, IT IS HEREBY ORDERED that time is appropriately excluded under Rule
12 5.1 between November 14, 2011 and November 30, 2011 within which to hold a preliminary
13 hearing and the time between November 14, 2011 and November 30, 2011 shall be excluded
14 from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and
15 3161(h)(7)(B)(iv).

16
17 DATED: 11/21/11

